

Utah State Building Board



MEETING

June 5, 2002

MINUTES

Utah State Building Board Members in attendance:

Keith Stepan, Chair
Kay Calvert, Vice Chair
Larry Jardine
Haze Hunter
Kerry Casaday
Manuel Torres

DFCM and Guests in attendance:

Joseph A. Jenkins	Division of Facilities Construction & Management
Kenneth Nye	Division of Facilities Construction & Management
Kent Beers	Division of Facilities Construction & Management
Shannon Lofgreen	Division of Facilities Construction & Management
Alisha Mitchell	Division of Facilities Construction & Management
Blake Court	Division of Facilities Construction & Management
Lyle Knudsen	Division of Facilities Construction & Management
Alan Bachman	Attorney General's Office/DFCM
Camille Anthony	Department of Administrative Services
Randa Bezzant	Governor's Office of Planning and Budget
Bob Askerlund	Salt Lake Community College
Ray Duda	Utah National Guard
Representative Loraine Pace	Legislature
Eric Tholen	AIA/Governmental Affairs
Jackie McGill	Spectrum + Bennion
Michael Raddon	Spectrum + Bennion
Dan Adams	University of Utah/Student Affairs
David Tanner	Southern Utah University
Dennis Geary	College of Eastern Utah
Brent Windley	Utah State University
Darrell Hart	Utah State University
Mark Spencer	Board of Regents
Randy Turpin	University of Utah

John Huish	University of Utah
RoLynne Christensen	VCBO Architecture
Bart Hopkin	Department of Human Services
Lynn Samsel	Department of Human Services
Bill Juszczak	UDOT
Sterling Davis	UDOT
Mike Perez	Weber State University

On Wednesday, June 5, 2002, a regularly scheduled Utah State Building Board meeting was held in the Fort Douglas Officers Club, University of Utah, Salt Lake City, Utah. Chairman Keith Stepan called the meeting to order at 9:02 am.

John Huish, University of Utah, introduced Dan Adams, Associate Vice President of Student Affairs and Director of Residential Living. Mr. Huish distributed a brochure compiled by Anne Racer, Director of Facilities Planning, which provided a historic walking tour of Fort Douglas. Chair Stepan commended Randy Turpin on his 41 years of service and noted he would be retiring this month.

☐ **APPROVAL OF MINUTES OF MAY 1, 2002**

Chair Stepan sought a motion for the May 1, 2002 Building Board minutes.

MOTION: Vice Chair Calvert moved to approve the May 1 Building Board minutes. The motion was seconded by Larry Jardine and passed unanimously.

☐ **RULES FOR PLANNING AND PROGRAMMING**

Kenneth Nye provided background of DFCM's planning efforts. Previously, DFCM and the Legislature had developed a process where projects would receive Legislative approval along with a small amount of funding for planning and programming. DFCM and agencies would then return in a subsequent year to receive funding for design and construction. This process provided two opportunities for the Legislature to review the project before actually allocating funding for design and construction.

Recently, the Legislature expressed the desire to have projects planned as much as possible before being considered for design and construction, and have not generally been requiring Legislative approval for planning. This desire was due to the previous process raising concern with agencies and institutions using previously funded planning as leverage with the Legislature and claiming previous funding would be wasted if future funding was not allocated. The benefits of the two-step process were lost because of the leverage being used and it became perceived as a phased funding approach, which they were trying to avoid.

In an attempt to address the previous process, the rule dealing with programming of projects reinforced the need to have approval before planning was initiated. It required either the Legislature or Building Board to provide authorization and approval for the programming. DFCM proposed to tie in with the current philosophy of the Legislature and only require an advance approval of programming for projects requesting state funds for design and construction, as well as allow other projects not involving a request for state funds for design and construction to be able to move forward more easily. The rule would also clarify programming to be done under DFCM's direction, unless otherwise authorized by DFCM.

The rule was also clarified and now places a restriction on the firm performing the programming for a project is not able to do the design or be a member of the design team. This issue has been debated several times and the DFCM policy has changed as well. DFCM recommended to not allow the programmer to participate in the design with some exceptions including providing a transition period for those currently involved in programming projects. This exception also allows DFCM to have a firm be selected up front to perform the planning, programming and design in a single selection. DFCM has determined to pursue this direction due to firms performing the programming frequently desiring to pursue the design which distracts them from preparing an appropriate program. Another problem with using the design/build process is allowing the firm preparing the program to then be a member of the design/build team. This creates a real advantage for the team as the program becomes a critical element of the procurement documents for the design/build team. DFCM frequently does not know if the project will be design build until long after the program has been completed. Joseph Jenkins added that DFCM would also raise the level at which the Board must approve the use of the Planning Fund from \$20,000 to \$25,000.

Chair Stepan felt this would positively keep DFCM and the Building Board in the line of empowerment to determine the timing of projects to be addressed. He questioned the average time element for programming. Kenneth Nye responded it would depend on the complexity of the project, as well as the urgency of the agency or institution. An average program would last two to three months, although some may go as long as six months.

Chair Stepan stated the recommendation was to repeal rules R23-3 and R23-8 and combine them to form a new rule, R23-3. He sought a motion accordingly.

MOTION: Manuel Torres moved to repeal Rule R23-3 and R23-8 and replace it with R23-3. The motion was seconded by Vice Chair Calvert and passed unanimously.

❑ REVISIONS TO DFCM CONSULTANT AGREEMENT

Approximately one year ago, the Board discussed a new consultant's agreement prepared for DFCM to govern the services of architects and engineers. One of the provisions of the agreement identified the level of care required from architects and engineers. The agreement basically allowed for no margin of error for architects and engineers on design work. The architects and engineers were responsible for their own errors and omissions, with the exception of the State being responsible for the cost of corrections. The State would also be responsible for the cost of any betterment or added value. Upon further review of the issue, DFCM understand that the Courts generally do not uphold the requirements to be that stringent and generally feel that 1.5% - 2% as the normal, acceptable range of errors and omissions on a project. Trying to hold an architect or engineer responsible for omissions at a lower level may not be upheld in court.

DFCM proposed to change the standard consultant's agreement to provide the threshold of 1.5%, which is the lower end of the legal precedent. DFCM would be responsible for the cost of correcting errors and omissions by the consultants up to that point. Once the 1.5% level is achieved, then the consultant would be responsible for the full cost of the correction, less the added value received.

DFCM will also begin providing a method for determining the premium paid for added values as some debate exists in the extra amounts paid to the contractor through change orders. DFCM felt 10% was a reasonable estimate of the added cost and would place it into the consultant agreement up front. Once the 1.5% threshold for errors and omissions is exceeded for error and omission type change orders, the consultant would pay the full cost of errors, and 10% of the change order cost of items with added value. This threshold would provide for a reasonable level of errors which may occur or items left out of documents. Once that is exceeded, DFCM has a much more enforceable tool to collect with. DFCM also clarified the consultant would be responsible on all errors and omissions for the cost of their services to correct their mistake.

Mr. Nye stated DFCM previously provided a plan review on all design documents to determine if the building codes were being met. This raised concerns as to whether it transferred the responsibility to the State for items contrary to code, but not caught by DFCM in the plan review. DFCM now requires the A/E team to arrange for their own peer review to review the documents to ensure they meet code and then provide evidence it is completed.

Chair Stepan commented the Courts have recognized it is unreasonable to expect perfection in any profession and have therefore established an expectation for a degree of

change orders with projects. He indicated many national documents have been listed as high as 3% - 5% for errors and omissions. He also stated the Courts have recognized owners obtain some enhancement with additions to projects, even though it may be caused by the architect or engineer. The 10% establishes a standard, which he felt was good. Several other organizations have similar clauses.

DFCM and the Building Board were asking for 1.5% and 10% on the enhancement. DFCM looked at the 10% as being similar to the liquidated damages clause with contractors. Since DFCM is unsure of the bidding difference on each individual project and individual change order, the proposal would result in the parties agreeing upfront to an estimated cost of 10%.

Mr. Torres felt the standard was too strict and suggested increasing to a minimum of 3%.

Eric Tholen, AIA Government Affairs, commented on AIA's initial observations and enlightened view of DFCM with respect to the services performed by architects. In the past, architects were held responsible for everything. Mr. Tholen did not believe the Courts generally held 1.5% to represent a standard of care rather; generally the A/Es and the consultants end up acting as a fiduciary on behalf of the owner. He had some concern with setting an arbitrary percentage when establishing a standard of care. He understood a case below 1.5% would create a problem, and may be a blatant error on behalf of the design team deeming a penalty. Conversely, he felt a smaller project may exceed 5% - 7%, although the drawings themselves could meet the standard of care, but a minor detail issue could translate into substantial cost. He felt each situation should be reviewed on its own merits. Mr. Tholen stated DFCM is to be commended for this initiative and would bring back the relationship between the architects, the engineers, and the State.

Mr. Tholen requested for the AIA to have the opportunity to meet with DFCM before placing this into rule. With the added value, generally the architects design fees would range somewhere between six to 12%. He knew the Courts have not held to the 10% premium and did not feel there had been as established number.

The AIA also previously discussed the peer review and were somewhat unclear as to the responsibility. Organizations or design engineers do not have the authority to make the calling on code compliant issues; therefore, further definition is needed regarding responsibility for documents needing code. Generally the design professional overseeing the project would have the responsibility to meet the codes and regulations and have transferred the liability to the peer review firm.

Alan Bachman commented that not every error is negligence. A standard of care is expected to be met and incorrect items are not necessarily a breach of the standard of

care. First, a breached standard of care would need to be determined, and then establish an exemption for the 1.5% of damage. Mr. Bachman did not feel that was unreasonable and, coupled with the administration of DFCM for a number of years, he did not think DFCM had been unreasonable in terms of pursuing a design error. The idea of this was to basically create an exemption for a certain amount, which would be a benefit over the past. He thought the idea was to provide a clear cut exemption, which would save costs to the State and the administration and puts the architects on notice. It will come out with the cost of the project.

Joseph Jenkins stated the point Mr. Bachman made about reasonable care is a very important point. DFCM does not hold everyone to 100% standard or even a 98% standard. DFCM looks at what is provided by the contractor and evaluates whether a good job was done. By being able to put a percentage in, whether it is 1.5% or 3%, it provides DFCM with a basis which everyone can work from. He was not opposed to the idea of leaving it open, but by not setting a standard, it would make it more difficult to administer.

Blake Court, DFCM Project Director, stated the concept of peer review goes hand in hand with a reasonable percentage. DFCM is looking for architects and engineers to do the due diligence to review their drawings and be accountable for them. In the past, DFCM sent out the drawings to code reviewing officials, which was costly to the state. This also raised a typical argument between DFCM and the architect as to whether the drawings were complete. DFCM has since decided that peer review is their opportunity to review the drawings for omissions and discrepancies. It is an opportunity to make sure their drawings are well coordinated and speak to the issues. By firms complying, DFCM feels the 1.5% issue will not come up due to errors and omissions being caught during the design where they are very easily corrected and very less costly to the state. Peer review is not an uncommon practice and is also used by the Federal government. DFCM is simply looking for a little bit of prevention versus a lot of efforts in the field.

Alan Bachman suggested the Board consider setting the standard acceptable to the State. The lower percentage, probably higher the cost it would be to pay for the designer services, but also perhaps the better the product. With a higher percentage, the less paid for the architect's services. In weighing all of that, paying more for the architect's services and requiring the higher product, the more money saved in the long run due to change orders and delays to the project. It must be determined if the money should be paid in the design services or the general contractors fee.

Haze Hunter asked if there were instances where cost would not reach 1.5% and asked if it was a set figure. Joseph Jenkins explained in all projects there is a contingency fee the percentage is taken out of the contingency fee. If the costs are not realized at the end of a project, they go into project reserve and then return to the Legislature to fund. Kenneth

Nye stated the consultant agreement standard language had a provision that if a bid came in over budget, DFCM could hold the consultant responsible to redesign it to budget.

Randy Turpin, University of Utah, stated as an owner, he expects to receive a product that meets expectations. Whatever percentage is arrived at could be negotiated, but the concept should be clearly to keep the responsibility with the design professionals and allow them to provide a product that meets expectations.

Representative Pace asked if larger architectural firms could do the peer review within their own firms. Chair Stepan stated some firms have specialists who belong to National Code Review committees and are trained for their review process. Joseph Jenkins responded some firms have the capability, but felt a greater percentage did not.

Eric Tholen agreed the A/E community ought to be responsible for knowing the codes and providing a document or service that is in compliance with the codes. He questioned who would become the code enforcement agency. He asked if there would be a set percentage for the peer reviews or would larger firms gain an advantage by being able to do the review in-house. He felt some issues needed further development, but agreed it was a good direction.

Larry Jardine asked if the review was required to be performed by a licensed architect, structural engineer, mechanical engineer or electrical engineer independent of the consultant and felt it should preclude in-house. Kenneth Nye stated the proposed rule would preclude in-house, but could be modified if the Board desired.

Chair Stepan sought a motion on the recommendation.

MOTION: Manuel Torres moved to accept the standards as listed at 2% for error and omission and 10% for the enhancement and continue to require an independent consultant review of the plans.

Chair Stepan sought a second and seeing none sought further discussion. Vice Chair Calvert did not feel the Board was ready to proceed with the issue and felt further discussion was required before proceeding and, therefore, abstained from voting.

MOTION: Haze Hunter moved to table the issue until the next meeting.

Joseph Jenkins stated the Board needed to provide DFCM with some direction on how to proceed if the issue was tabled. Vice Chair Calvert stated she wished for more discussion around the independent consultant and thought the percentage required further review. Haze Hunter also felt DFCM could provide some other examples of other organizations.

Kenneth Nye stated the current standard document were far more stringent and is officially the adopted direction for all design agreements issued by DFCM this spring. DFCM was attempting to have a new position to proceed forward with for the work recently authorized. Darrell Hart suggested the Board adopt the proposed agreement for a trial period and revisit it after a year. A review period would provide more information for the Board.

MOTION: Haze Hunter moved to pass this as written and allow DFCM to proceed.

Vice Chair Calvert stated allowing the Board the flexibility to make changes as needed would allow DFCM to proceed.

The motion was seconded by Larry Jardine.

Haze Hunter clarified the increase would be to 2% for errors and omissions.

MOTION: Haze Hunter moved to revert to the motion previously moved by Manuel Torres. The motion was seconded by Larry Jardine and passed unanimously.

DFCM will review the process and bring ongoing further discussion to the Board. Kenneth Nye stated there was also discussion of flexibility during DFCM's preparations, and assumed that, as part of the motion, if on a specific contract, DFCM felt it was appropriate to depart from that standard, they could modify these standards in negotiating a specific contract. Chair Stepan confirmed it was a working policy.

❑ IMPACT OF ACTIONS TO BALANCE THE BUDGET

Previously, the Legislature discussed the balancing of the FY2002 budget and placed many cash projects into a bond. The Legislature has approximately \$178,000,000 shortfall into FY2003, which becomes effective July 1, 2002. It is anticipated the Legislature will meet in special session on approximately June 26 to make corrections on any areas available in state government to determine where to obtain the money. The Legislature may take some money from the capital improvement funds.

Joseph Jenkins recalled that for several years, DFCM had .9% of the total value going into capital improvements. Two years ago, Representative Adair passed a bill to increase it to 1.1%, which was much more palpable. DFCM hoped the Legislature would not revert back to .9%, and, if needed, only retract the capital improvement dollars on a one time basis. The difference between the .9% and the 1.1% is approximately \$9 million and could possibly be altered. The capital development projects available in the current budgets were stable and he saw no opportunities for the Legislature to retract those dollars.

Camille Anthony confirmed that concept and other ideas were being floated, however, a decision has not been made. There is also an effort for the Governor's Office of Planning and Budget and the Legislative Fiscal Analysts office to work together. There was some uncertainty if the one-time reduction in capital improvement funding could be accomplished without changing statute. A more definitive plan may be available at a future meeting and DFCM will keep the Board informed as decisions are reached.

Representative Pace confirmed subcommittees would meet June 26. Based on past experience, the Capital Facilities Subcommittee would be impacted. She encouraged the Board to review the issues for FY2003 and be prepared with recommendations. She also encouraged the Board to express their feeling to the Governor, the Chairman and members of those committees as they have some influence on the process.

Chair Stepan stated it took several years and a lot of hard work to increase from .9% to 1.1%. He felt it would be beneficial for the Board to submit a letter suggesting the percentage not be an area of reduction and to look at specific costs and projects.

Camille Anthony stated she would appreciate any guidance as they move forward from the Department level and working with the Governor's Office of Planning and Budget along the lines that Representative Pace has suggested. If the Department can provide alternatives to the Fiscal Analyst's suggestions, she felt there was still room to negotiate. Chair Stepan stated certainly the trend to maintain the current facilities was very important. Joseph Jenkins will develop a letter for the Board's signature, as well as his own.

Kenneth Nye suggested, from his experience with DFCM, the most important Legislation adopted dealing with capital projects has been the funding requirement for capital improvements and expressed appreciation for the Board's support of the statute. He felt great extremes should be taken to keep the statute in place and noted a temporary reduction would be far better than losing the funding totally. He did not wish to lose the statute which provides funding each year.

Representative Pace stated the Building Board previously discussed the priority of replacing buildings over new buildings. She felt it was still important with the tight budget year and felt current needs should be addressed instead of creating additional new buildings and new campuses because O & M and construction costs were very tight.

❑ EFFORTS TO PREVENT BID SHOPPING

Joseph Jenkins stated the Legislature passed a statute forbidding bid shopping and current DFCM procedure states contractors must submit their bid and then are allowed 24 hours to confirm their subcontractors. After a contract is awarded, contractors should be committed

to the subcontractors and their prices. In the past, some firms have received an award, and then changed their subcontractors without informing DFCM. DFCM has raised several concerns including impacting the value, as this may cause a subcontractor to cut wherever he can in order to be able to continue to work for the contractor, and also impacts the OCIP program. DFCM does allow contractors to change a subcontractor if the subcontractor submits a letter saying he is no longer able to perform.

DFCM proposed that if a contractor has a subcontractor on the job not identified on his list, and this is discovered by DFCM, the contractor may be disbarred from doing business with the State of Utah for a period of one year. DFCM has not monitored this in the past and does not wish to hire a monitoring officer. However, due to safety reasons and OCIP, DFCM may randomly check various projects.

DFCM also currently requires all first tier subcontractors over \$50,000 to be listed. DFCM wished to change the rule to require all first tier subcontractors to be listed, as well as anyone who has a bid or responsibility over \$50,000 and others identified by DFCM. If a subcontractor is changed without DFCM authorization, DFCM has the opportunity to disbar a contractor for a period of a year. A subcontractor who cannot perform may be replaced if they initiate the change. Mr. Jenkins felt this occurred very infrequently, but in a couple of recent selections has prompted this issue. Contractors listing items to be self performed will be monitored as well.

Alan Bachman stated DFCM simply wanted to accent this issue and apprise the Board of the situation to address the seriousness. The items did not require a law or rule change to enforce. The Board simply needed to agree to the one year disbarment.

Greg Peay, Corrections, asked if the rule allowed the general contractors the right to remove a subcontractor who is non-performing. Joseph Jenkins stated this was allowed with the approval of the owner and DFCM.

❑ ADMINISTRATIVE REPORTS OF UNIVERSITY OF UTAH AND UTAH STATE UNIVERSITY

John Huish, University of Utah, reported for the period from April 12 through May 17, 2002, there were two A/E agreements awarded for lab remodeling in the Radiobiology building. The University is holding further action on any new improvements projects until next fiscal year. The construction contract status report identified several open contracts, including some projects with substantial weather delays, particularly roofing projects.

Vice Chair Calvert asked if the days left on a number of projects had improved. Mr. Huish stated the database issue had been resolved, however the University continues to show the

project open until all accounting work is completed. The University is continuing to work on a system that does not continue to show a deficit number of days for projects after the basic contract is completed. Many essential delays are justifiable and are incurred substantial delays primarily due to weather.

MOTION: Haze Hunter moved to accept the University of Utah's administrative report. The motion was seconded by Vice Chair Calvert and passed unanimously.

Brent Windley, Utah State University, reported for the period of April 10 to May 15, 2002. Mr. Windley reported all construction contracts were on schedule and a new contract was received for the Bookstore renovation by American Asbestos. One change occurred in the contingency reserve fund dealing with the Maeser lab addition to the chilled water project.

The construction contract status report showed four closed projects including the Information Services building renovation. Utah State also has 13 open contracts at this time and five new contracts.

Three delegated projects are still in design phase, and approximately 18 under various stages of construction, and nine under substantial completion or completion.

Joseph Jenkins stated DFCM and Utah State have previously discussed the American West Heritage Center, which falls under Utah State's jurisdiction. Mr. Jenkins questioned if it would be appropriate for Utah State to include it in the reports. Mr. Windley stated it would be added in the future based on the preliminary design contract being signed. Kenneth Nye added that the reports given by the University of Utah and Utah State typically in the Board meetings just address the delegated projects. The American West Heritage Center has not been delegated, so the same information will also be included on the DFCM reports as it happens.

MOTION: Larry Jardine moved to accept Utah State University's report as presented. The motion was seconded by Kerry Casaday and passed unanimously.

Mr. Windley stated the Heat Plant open house would be on August 16, 2002.

Joseph Jenkins stated DFCM would be sending a letter to the Legislature in the committee highlighting that the project was finished ahead of schedule. Darrell Hart stated Utah State assumed operation of that building in February 2002, which was extremely close in terms of need. Kenneth Nye stated the commitment DFCM made for the completion of the system was for the 2002-2003 heating season. This saved Utah State a full heating year.

☐ UDOT PURCHASE OF MAINTENANCE STATION IN HUNTINGTON

Kenneth Nye stated the intent language the Legislature adopted this last session authorized UDOT to purchase a replacement station in Huntington. However, the project had not gone through the Building Board review or DFCM's process and therefore included language requiring the opinion of DFCM and the Building Board that the purchase was cost beneficial to the State. DFCM has been working with UDOT to evaluate the specific property they wished to purchase. Essentially the primary reason for the interest is that there is one building on the site that is approximately two years old and was constructed as a transportation type facility, which can be very easily adapted to meet UDOT's needs for a maintenance station. Other facilities on the site are not in good condition, which raised some questions, but there has been a fair amount of evaluation done. At the time the packet was issued, DFCM had not received enough information to make a recommendation to the Board, and some items remain outstanding. An appraisal was completed, which has validated the purchase price of \$350,000. The purchase price of \$350,000 for a 12,000sf maintenance station makes this a cost effective transaction based on the other issues not creating too much of a liability in the process. An environmental analysis was completed on the site and came back with a primary concern raised indicating some buried metal not disclosed by the owner. DFCM recommended that the purchase was cost efficient to the State and should proceed subject to the resolution of three issues. Caveats to the project include there be a resolution to what the buried metal is to make sure there is not a liability and the title report being received. The seller is in bankruptcy which has caused some concern. The third concern is that an alta survey is in process, but has not been completed and there are some indications of a drainage easement crossing the property which may potentially create some problems. Subject to the resolution of those three items, DFCM believed they could recommend the purchase of this facility as it would be cost beneficial to the State.

Mr. Nye also stated DFCM and UDOT reached an understanding that UDOT has set aside a budget of \$500,000 for this purchase. Within that budget, all problems required for repairing or any modifications to the main building, as well as any repairs or demolition that may occur to other structures on the site for removing them or making some minor repairs for temporary use must be addressed. UDOT will not be able to request additional funds from DFCM.

Sterling Davis stated the company declaring bankruptcy, Cox Rock Products, previously had a concrete ready mix plant which was demolished for the new building to work maintenance on their large trucks. UDOT fully expected to fence the property and perform other minor renovations and well as identify the metal object. The funding should cover all of the contingencies and UDOT should not have to return for any other purpose.

Bill Juszczak stated the bankruptcy court had a hearing on May 28 and would determine the owner of this property, both of which have agreed to sale to UDOT.

Chair Stepan felt they could approve the recommendation based on the completion of the due diligence process of the issues. He sought a motion.

MOTION: Kay Calvert moved to approve the purchase of the maintenance station in Huntington, subject to DFCM being satisfied with the resolution of the title report, the metal object and the completion of the survey needing to be addressed. The motion was seconded by Haze Hunter and passed unanimously.

☐ **ADMINISTRATIVE REPORTS FOR DFCM**

Joseph Jenkins noted one lease was done for Workforce Services in Spanish Fork and the Snow College new tunnel and steam line extension A/E contract was awarded.

Haze Hunter questioned why the Draper warehouse freezer expansion had a budgeted amount of \$23,400.00; however the contract was awarded for \$32,000.00. Kent Beers will provide an explanation next month.

☐ **UPCOMING VALUE BASED PROCUREMENT SELECTIONS.....**

The ABC Warehouse Expansion Commissioning will not require Board participation.

A Board member was not available to assist with the design/build Draper Liquor Store project.

The selection of the Shakespeare Festival Centre Development was completed on June 3 and DFCM is now in the process of negotiating the details of the developer and construction manager.

Larry Jardine will serve on the USU Merrill Library Replacement selection on July 11 & 12, 2002. This will be to choose a construction manager.

A selection committee member for the University of Utah library will be chosen next meeting.

Keith Stepan will serve on the selection committee for the Canyonlands Youth Center.

Representative Pace asked if any projects in the 2003 budget were cut, if there would be a liability with contractors. Joseph Jenkins stated DFCM was making it absolutely clear in the RFP and selection that projects depend on funding. Both institutions, Utah State University and University of Utah, have put the dollars to go through the design of the libraries.

☐ 2002-2003 BUILDING BOARD SCHEDULE.....

The next Board meeting will be July 10 at the Utah System of Higher Education Regents Boardroom. The Board will then tour the Rio Grande building and discuss the Archives issue.

The following meeting will be held at the Salt Lake Community College Miller Campus and will tour issues for Salt Lake Community College, as well as Public Safety and Courts.

☐ ADJOURNMENT

MOTION: Kay Calvert moved to adjourn to tour the University of Utah Facilities at 10:52am. The motion was seconded by Haze Hunter and passed unanimously.

Minutes prepared by: Shannon Lofgreen